

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IAN MCCRAY,

Plaintiff,

v.

UNITE HERE! LOCAL 19,

Defendant.

Case No. [16-cv-01233-BLF](#)


**ORDER DENYING DEFENDANT'S  
REQUEST TO FILE RESPONSE TO  
PLAINTIFF'S OBJECTIONS**

[Re: ECF 21]

Defendant seeks leave to respond to Plaintiff's objections to Defendant's Supplemental Request for Judicial Notice, filed with Defendant's Reply in support of its Motion to Dismiss. ECF 21. Defendant contends that the objections raise two new legal arguments: (1) that the Court may only look to ordinances and official acts that existed at the time the Union and the Employer negotiated a waiver to the San Jose Minimum Wage Ordinance in determining whether the Union's conduct violated the duty of fair representation, and (2) that the Court may not look to officials' interpretations in determining whether the Union's similar interpretation violated the duty of fair representation. *Id.* at 2. The former concerns relevance—a determination the Court is prepared to make without further argument—while the latter was, in fact, raised in Plaintiff's opposition. *See* ECF 16 at 20. Accordingly, the Court DENIES Defendant's request.

**IT IS SO ORDERED.**

Dated: June 3, 2016

  
BETH LABSON FREEMAN  
United States District Judge